

HOUSE BILL 772

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, relative to criminal exposure to
certain pathogens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-109, is amended in the first sentence of subsection (a) by deleting the language "(HIV)" and by substituting instead the language "(HIV) or to hepatitis B virus (HBV)".

SECTION 2 Tennessee Code Annotated, Section 39-13-109, is further amended in the first sentence of subsection (a) by deleting the language "HIV" and by substituting instead the language "HIV or with hepatitis B virus (HBV)".

SECTION 3. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (2) of subsection (a) by deleting the language "HIV transmission" and by substituting instead the language "HIV or hepatitis B virus (HBV) transmission".

SECTION 4. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (2) of subsection (b) by deleting the language "HIV transmission" and by substituting instead the language "HIV or hepatitis B virus (HBV) transmission".

SECTION 5. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (c) as subdivision (c)(1), and by adding a new subdivision thereto, as follows:

(2) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the person exposed to hepatitis B virus (HBV) knew that the infected person was infected with hepatitis B virus (HBV), knew that the action could result in infection with hepatitis B virus (HBV), and gave advance consent to the action with that knowledge.

SECTION 6. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (d) as subdivision (d)(1), and by adding a new subdivision thereto, as follows:

(2) Nothing in this section shall be construed to require the actual transmission of hepatitis B virus (HBV) in order for a person to have committed the offense of criminal exposure to hepatitis B virus (HBV).

SECTION 7. Tennessee Code Annotated, Section 39-13-109, is amended in subsection (e) by deleting the language "HIV" and by substituting instead the language "HIV or to hepatitis B virus (HBV)".

SECTION 8. This act shall take effect July 1, 2007, the public welfare requiring it.